

AMENDED IN SENATE AUGUST 30, 2000

AMENDED IN SENATE AUGUST 25, 2000

AMENDED IN SENATE JULY 1, 1999

AMENDED IN ASSEMBLY JUNE 1, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1601

Introduced by Assembly Member Olberg

February 26, 1999

~~An act to amend Section 12801.5 of the Vehicle Code,~~
~~relating~~ *An act to add Section 12801.6 to the Vehicle Code,*
relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1601, as amended, Robert Pacheco. Vehicles: drivers' licenses.

Existing law requires every application for a driver's license or identification card to contain specified information. The Department of Motor Vehicles is required to require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law. The department is prohibited from issuing an original driver's license or identification card to any person who does not submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

This bill would provide that the submission of an E, H, or L Visa issued to the applicant by the United States State Department shall constitute a form of satisfactory proof that the applicant's presence in the United States is authorized under federal law.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 12801.5 of the Vehicle Code is~~
2 ~~amended to read:~~

3 ~~SECTION 1. Section 12801.6 is added to the Vehicle~~
4 ~~Code, to read:~~

5 ~~12801.6. For purposes of this article, the submission of~~
6 ~~an E, H, or L Visa issued to the applicant by the United~~
7 ~~States State Department shall constitute a form of~~
8 ~~satisfactory proof that the applicant's presence in the~~
9 ~~United States is authorized under federal law.~~

10 ~~12801.5. (a) (1) Notwithstanding any other~~
11 ~~provision of law, the department shall require every~~
12 ~~applicant for an original driver's license or identification~~
13 ~~card to submit satisfactory proof that the applicant's~~
14 ~~presence in the United States is authorized under federal~~
15 ~~law.~~

16 ~~(2) For purposes of paragraph (1), the submission of~~
17 ~~an E, H, or L Visa issued to the applicant by the United~~
18 ~~States State Department shall constitute a form of~~
19 ~~satisfactory proof that the applicant's presence in the~~
20 ~~United States is authorized under federal law.~~

21 ~~(b) The department shall not issue an original driver's~~
22 ~~license or identification card to any person who does not~~
23 ~~submit satisfactory proof that the applicant's presence in~~
24 ~~the United States is authorized under federal law.~~

25 ~~(c) The department shall adopt regulations to carry~~
26 ~~out the purposes of this section, including procedures for,~~
27 ~~but not limited to, (1) verifying that the applicant's~~
28 ~~presence in the United States is authorized under federal~~
29 ~~law, (2) issuance of temporary licenses pending~~
30 ~~verification of status, and (3) appeals hearings from~~

1 ~~denials of licenses, temporary licenses, or identification~~
2 ~~eards.~~

3 ~~(d) On January 10, 1995, and on January 10 of each~~
4 ~~subsequent year thereafter, the department shall submit~~
5 ~~a supplemental budget report to the Governor and the~~
6 ~~Legislature detailing the costs of verifying the citizenship~~
7 ~~or legal residency of applicants for driver's licenses and~~
8 ~~identification cards, in order for the state to request~~
9 ~~reimbursement from the federal government.~~

10 ~~(e) Notwithstanding Section 40300 or any other~~
11 ~~provision of law, a peace officer shall not detain or arrest~~
12 ~~a person solely on the belief that the person is an~~
13 ~~unlicensed driver, unless the officer has reasonable cause~~
14 ~~to believe the person driving is under the age of 16 years.~~

15 ~~(f) The inability to obtain a driver's license pursuant~~
16 ~~to this section does not abrogate or diminish in any~~
17 ~~respect the legal requirement of every driver in this state~~
18 ~~to obey the motor vehicle laws of this state, including laws~~
19 ~~with respect to licensing, motor vehicle registration, and~~
20 ~~financial responsibility.~~

